

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

To the HONORABLE JED S. RAKOFF, U.S.D.J.:

Following a conference with the Court in March 2007, *Pro se* Plaintiff, Kyle Jiggetts, was directed to voluntarily dismiss the instant case, given instructions on how to accomplish this, and granted permission to amend his complaint in another action he initiated. The Court had determined that *Jiggetts v. Tristar Patrol Services, Inc., et al.*, 06 Civ. 4868 (JSR) (RLE), was based on common events and the instant action should be consolidated and all Defendants should be named in one case. Review of the docket reveals that Jiggetts has failed to comply with the Court's directive, as this case remains active. Therefore, the undersigned recommends that the instant action be **DISMISSED**, as New York City Department of Citywide Administrative Services has already been included, by way of Fourth Amended Complaint, in the 2006 case.

Pursuant to Rule 72, Federal Rules of Civil Procedure, the parties shall have ten (10) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Jed S. Rakoff, 500 Pearl Street, Room 1340, and to the chambers of the undersigned, 500 Pearl Street,

Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam); 28 U.S.C. § 636(b)(1) (West Supp. 1995); FED. R. CIV. P. 72, 6(a), 6(d).

SO ORDERED this 23rd day of February 2009
New York, New York



The Honorable Ronald L. Ellis
United States Magistrate Judge

Copies of this Report and Recommendation were sent to:

Pro se Plaintiff

Kyle Jiggetts
Parkchester
PO Box 286
Bronx, NY 10462

Counsel for Defendants

Andrez Shumree Carberry
New York City Law Department
100 Church Street
New York , NY 10007